

Dismissal for lack of jurisdiction is appropriate when “the issues are no longer live or the parties no longer have a legally cognizable interest in the outcome.” *Horizon Bank & Tr. Co. v. Massachusetts*, 391 F.3d 48, 53 (1st Cir. 2004). According to the government, USCIS approved

plaintiff's I-40 application on September 1, 2022. Accordingly, the sole issue raised by the complaint is moot. The Court will accordingly dismiss the case for lack of jurisdiction.

For the foregoing reasons, defendants' motion to dismiss for lack of jurisdiction is GRANTED. Defendants' motion to dismiss for failure to state a claim and motion to dismiss for lack of prosecution are DENIED as moot. The clerk is directed to enter a separate order of dismissal.

**So Ordered.**

Dated: April 24, 2023

/s/ F. Dennis Saylor IV  
F. Dennis Saylor IV  
Chief Judge, United States District Court